

3-13.000

PROCUREMENT/PROPERTY MANAGEMENT

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3-13.100 Delegation of Procurement Authority (DPA)

United States Attorneys are delegated procurement authority by the Director, Procurement Services Staff (PSS), Justice Management Division (JMD) in accordance with Federal Acquisition Regulations (FAR), Title 48 Code of Federal Regulations (CFR) Part 13 and the Justice Acquisition Regulations (JAR).

United States Attorneys may redelegate this procurement authority to other individuals provided the redelegation states that the authority may not be further redelegated. When the United States Attorney redelegates this authority, a copy of the redelegation and the certificate of completion of the requisite training, (40 hours Simplified Acquisitions Course) shall be provided to the Director, PSS, JMD. Upon receipt, PSS will issue a Certificate of Appointment as a Contracting Officer for the United States of America to the individual(s) to whom this authority is redelegated.

For further information on this topic, and guidance on printing regulations, see the EOUSA Resource Manual at 113.

3-13.200 Property Management

The Federal Property Management Regulations (FPMRs) CFR, Title 41, Chapter 101, and the Justice Property Regulations (JPMRs) Chapter 128-1 govern and guide Federal agencies in the acquisition, utilization management, and disposal of real and personal property. Property management includes inventory; accountability of property; excess property; loss or stolen property; and disposal of damaged property.

Further Guidance on Property Management can be found in the EOUSA Resource Manual

Property Management Definitions	EOUSA Resource Manual at 114
Property Management Responsibilities	EOUSA Resource Manual at 115
Property Management -- Physical Inventories	EOUSA Resource Manual at 116
Property Management -- Conducting Physical Inventories	EOUSA Resource Manual at 117

3-13.232 Use by United States Attorney Offices of Forfeited Vehicles and Other Property

Title 40 U.S.C. Section 304(h) authorizes a federal agency to retain forfeited property for official use. Title 28 U.S.C. Sec. 881(e)(1) also allows the Attorney General to retain forfeited property for official use. Title 40 U.S.C. Section 304(i) allows the government to apply to the court to order delivery of forfeited property "to any other agency which requests and in his judgment should be given such property," and, if the government prevails in the forfeiture action, the court "should . . . order delivery accordingly."

All requests for official use by any United States Attorney's Office of any type of forfeited property shall be submitted to the Assistant Director, Facilities Management and Support Services, EOUSA for prior approval. This includes any vehicle or other property which may presently be utilized without prior approval.

3-13.240 Seized Property

All seized property is the responsibility of the U.S. Marshal's Service and should be in its custody at all times.

The United States Attorney should, upon request, furnish the U.S. Marshal with information as to the probable disposition date of cases in which seized property is involved, and the reasons for delays in termination.

3-13.250 Evidence

Normally, United States Attorney's offices should *not* have custody of evidence. Under most circumstances, evidence should remain in the custody of the investigating agency. When evidence is required in court, the agency handling the case, or other representative of the investigating agency, should bring the evidence and retain custody until the material is introduced as evidence, at which point it becomes the responsibility of the U.S. Marshal. United States Attorneys and Assistants should accept custody of evidence only for such short periods of time as are necessary to present the evidence to the court or grand jury. Except in extreme emergency situations, no evidence will be retained in the United States Attorney's Offices overnight, principally weapons, explosive devices, guns, drugs, cash or other forms of currency.

For further guidance, see the EOUSA Resource Manual at 118.

3-13.310 Office Files

The records and files of all United States Attorneys' offices should be maintained in current and orderly manner, and shall be disposed of in accordance with the General Records Schedules issued by the National Archives and Records Administration (NARA), or the comprehensive retention schedule for United States

Attorneys' records described in paragraph 3-13.318. Non-record materials, e.g., obsolete forms, publications, extra copies of correspondence and duplicate copies may be destroyed without disposition authority.

Further guidance on these issues can be found in the EOUSA Resource Manual

Docket Records	EOUSA Resource Manual at 119
Case Files	EOUSA Resource Manual at 120
Maintenance of Attorney-Client Information	EOUSA Resource Manual at 121
Closing Notice for Case Files	EOUSA Resource Manual at 122
Designation of Permanent (Historical) Cases	EOUSA Resource Manual at 123
Preparing Records for Transfer to the Federal Records Center	EOUSA Resource Manual at 124
Boxing Records for Transfer	EOUSA Resource Manual at 125
Standard Form 135, Records Transmittal and Receipt	EOUSA Resource Manual at 126

3-13.321 Standardized Forms

See the EOUSA Resource Manual at 127.

3-13.400 Reporting and Transcription Services

Pursuant to the Federal Acquisition Regulation (FAR), contracts for reporting services for grand jury sessions and/or depositions will be competed and awarded using a Blanket Purchase Agreement (BPA) if the requirements do not exceed \$100,000 per fiscal year. For all requirements that exceed \$100,000 and for special conditions where the awarding of a BPA is not feasible, requirements and an OBD-186, should be forwarded to Procurement Services Staff (PSS), JMD, for the awarding of a formal contract. District personnel should review their Delegation of Procurement Authority (DPA) for guidance.

See also the EOUSA Resource Manual at 128.

3-13.410 Use of Official Court Reporters

Be advised that all services such as Grand Jury, deposition and other reporting services not normally provided through official court proceedings may not be obtained by use of the services of an official court reporter or a firm owned by an official court reporter. This requirement is based on the section 3.601 of the Federal Acquisition Regulations (FAR) which prohibits this action. *See the EOUSA Resource Manual at 129.*

3-13.500 Motor Vehicle Management -- Acquisition of Leased Government Vehicles

USAOs have been delegated authority to acquire leased motor vehicles from their local GSA Fleet Management Office. Code of Federal Regulations 101-38.103 authorizes use of only Class II compact sedans. Mini vans and 4X4 sport utility vehicles may only be acquired if special needs exist; i.e., weather or transportation of large parcels that will not fit in a compact sedan. Because these vehicles are more expensive than the Class II compact sedans, special needs must be documented.

If a vehicle is not available from your local GSA Fleet Management Office, the vehicle may be available through the Department of Justice Commercial Lease Program. Requests for vehicles unavailable from the local GSA Fleet Management Office must be submitted in writing to the Executive Office for United States Attorneys, Attention: Assistant Director, Facilities Management and Support Services (FMSS).

Funding for leased vehicles comes from the district's travel budget. See the EOUSA Resource Manual at 150 for further discussion.

3-13.512 Motor Vehicle Management -- References

- A. 41 C.F.R. Subpart 101-26.501-9 Centralized Motor Vehicle Leasing Program
- B. 41 C.F.R. Subpart 101-38.101 Acquisition of Motor Vehicles
- C. 41 C.F.R. Subpart 101-38.103 Mandatory Provisions Affecting the Acquisition and Use of Motor Vehicles.
- D. 41 C.F.R. Subpart 101-38.3 Official Use of Government Motor Vehicles
- E. 41 C.F.R. Subpart 101-39.2 GSA Interagency Fleet Management System Services

3-13.520 Motor Vehicle Management -- Internal Control of Vehicles -- Logging Requirements

Each district that has motor vehicles will establish necessary procedures to maintain logs on the use of government vehicles which are utilized within the district and also to establish any home-to-work transportation used for official purposes.

The log shall be accessible for audit and contain at least the following information:

- A. Date/Time (out and in);
- B. Name and title of employee;
- C. Name and title of person authorizing use;
- D. Vehicle identification;
- E. Vehicle destination;
- F. Odometer reading (beginning and end);
- G. Purpose (including circumstances requiring home-to-work uses)

3-13.530 Official Use of Government Vehicles Between Residence and Place Of Employment

Employees of the United States Attorneys' Offices and the Executive Office for the United States Attorneys, are not authorized under government regulations (41C.F.R. 101-6) to use government vehicles for travel between residence and place of work. Commuting to and from work is considered a personal matter and not an official act. Except for a few narrow exceptions, government vehicles cannot be used for personal purposes. See the EOUSA Resource Manual at 130 for guidance on authorized uses of government vehicles.